

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FARAH JEAN FRANCOIS,

Case No.: 1:22-cv-4447-JSR

Plaintiff,

-against-

SPARTAN AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
STAVROS ORSARIS,
YESSICA VALLEJO, and
DAVID PEREZ,

Defendants.
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Declaration of Brian L. Bromberg

Under 28 U.S.C. § 1746, I, Brian L. Bromberg, do hereby declare under penalty of perjury, that the following is true and correct:

1. I am a principal of the Bromberg Law Office, P.C.
2. I am a member in good standing of the bars of the following state

courts:

New York State Bar (Appellate Division, Second Department)
March 4, 1992

California Bar
July 17, 2006

New Jersey Bar
June 19, 2017

7. I am a member in good standing of the following federal courts:

U.S. District Court for the Southern District of New York
May 19, 1992

U.S. District Court for the Eastern District of New York
June 10, 1992

United States Court of Appeals for the Second Circuit
January 10, 2002

Supreme Court of the United States
August 4, 2003

U.S. District Court for the Northern District of Illinois
August 15, 2003

United States Court of Appeals for the Seventh Circuit
May 13, 2004

U.S. District Court for the Western District of New York
December 6, 2004

U.S. District Court for the Northern District of New York
January 4, 2005

U.S. District Court for the Northern District of Indiana
August 30, 2005

U.S. District Court for the District of Connecticut
March 3, 2006

U.S. District Court for the Northern District of California
August 7, 2006

U.S. District Court for the Central District of California
August 10, 2006

U.S. District Court for the Southern District of California
August 24, 2006

U.S. District Court for the Eastern District of California
August 29, 2006

U.S. District Court for the Western District of Wisconsin
May 14, 2008

United States Court of Appeals for the Third Circuit
August 12, 2009

United States Court of Appeals for the Fourth Circuit
April 11, 2011

United States Court of Appeals for the Eleventh Circuit
August 19, 2011

U.S. District Court for the Southern District of Indiana
November 16, 2015

U.S. District Court for the Southern District of Texas
January 19, 2017

U.S. District Court for the District of Colorado
April 20, 2017

U.S. District Court for the District of New Jersey
July 6, 2017

U.S. District Court for the Eastern District of Missouri
June 28, 2018

United States Court of Appeals for the Sixth Circuit
April 15, 2019

3. From 1991 until October 2001, I was employed by the law office of Peter Marc Stern in New York, New York.

4. In October 2001, I started my own practice, Bromberg Law Office, P.C., f/k/a Brian L. Bromberg, P.C.

5. I now focus my practice on representation of litigants in consumer-rights, civil-rights, and class-action litigation.

6. I am a member of the following professional organizations:

Federal Bar Council
National Association of Consumer Advocates

7. In November 2014, I was elected to the Board of Directors of the National Association of Consumer Advocates (NACA); in 2017, I was reelected to the same position.

8. With over 1,700 members, NACA is the premier membership organization for consumer-protection attorneys in the United States.

9. In November 2015, I was elected Treasurer of NACA; in 2017, I was reelected to the same position and I served in that position until May 2020.

10. I am the principal author of an *amicus curiae* brief filed on behalf of AARP and NACA in the case of *Naposki v. The First National Bank of Atlanta d/b/a Wachovia Bank Card Services, and Wachovia Corporation*, New York Supreme Court, Appellate Division, Second Department, Appellate Case No. 2002-02506.

11. On behalf of NACA, I also helped prepare an *amicus curiae* brief submitted (on October 6, 2006) to the New York Court of Appeals by NACA and 12 other non-profit legal services and public interest organizations, in the case entitled *Merscorp, Inc. v. Romaine*. I have assisted in the preparation of other *amicus* briefs that affect consumers' rights.

12. I am experienced in trial and appellate court litigation and have the following reported cases, among others:

Staley v. Hotel 57 Services, LLC, No. 23-770 (L), 23-771 (CON), 2024 WL 1090816 (2d Cir. Mar. 13, 2024) (summary order)

A.W. by E.W. v. New York Department of Education, 702 F.Supp.3d 46 (E.D.N.Y. 2023)

Wagner v. Chiari & Ilecki, LLP, 973 F.3d 154 (2d Cir. 2020)

Mullery v. JTM Capital Management, LLC, 2020 WL 1956341 (W.D.N.Y. Apr. 23, 2020)

Moukengeschaie v. Eltman, Eltman & Cooper, P.C., 2019 WL 5204809 (E.D.N.Y. Oct. 15, 2019)

Mullery v. JTM Capital Management, LLC, 2019 WL 2135484 (W.D.N.Y. May 16, 2019)

McCrobie v. Palisades Acquisition XVI, LLC, 359 F.Supp.3d 239 (W.D.N.Y. 2019)

Somerset v. Stephen Einstein & Associates, P.C., 351 F.Supp.3d 201 (E.D.N.Y. 2019)

Mullery v. JTM Capital Management, LLC, 2018 WL 8332821 (W.D.N.Y. November 30, 2018)

Godson v. Eltman, Eltman & Cooper, PC, 328 F.R.D. 35 (W.D.N.Y. 2018)

Gonzalez-Vasquez v. Mayors Auto Group-Woodside, LLC, 60 Misc.3d 1211(A) (S.Ct., Bronx Cty 2018)

Ruane v. Bank of America, N.A., 308 F.Supp.3d 718 (E.D.N.Y. 2018)

Biber v. Pioneer Credit Recovery, Inc., 2018 WL 1633603 (E.D.Vir. Jan. 31, 2018)

Ross v. Convergent Outsourcing, Inc., 323 F.R.D. 656 (D.Co. 2018)

Moukengeschaie v. Eltman, Eltman & Cooper, P.C., 2017 WL 4404433 (E.D.N.Y. Sept. 29, 2017)

Dixon v. A Better Way Wholesale Autos, Inc., 692 Fed.Appx. 664 (2d Cir. 2017) (summary order)

Franco v. A Better Way Wholesale Autos, Inc., 690 Fed.Appx. 741 (2d Cir. 2017) (summary order)

Eades v. Kennedy, PC Law Offices, 2016 6988913 (W.D.N.Y. Nov. 22, 2016)

McCrobie v. Palisades Acquisition XVI, LLC, 664 Fed.Appx. 81 (2d Cir. 2016) (summary order)

White v. Fein, Such and Crane, LLP, 2016 WL 6493415 (W.D.N.Y. Nov. 1, 2016)

Annunziato v. Collecto, Inc., 207 F.Supp.3d 249 (E.D.N.Y. 2016)

Godson v. Eltman, Eltman & Cooper, PC, 177 F.Supp.3d 803 (W.D.N.Y. 2016)

Godson v. Eltman, Eltman & Cooper, PC, 2015 WL 9434228 (W.D.N.Y. Dec. 22, 2015)

Godson v. Eltman, Eltman & Cooper, PC, 2015 WL 5784908 (W.D.N.Y. Sept. 30, 2015)

Hallmark v. Cohen & Slamowitz, LLP, 2015 WL 4483959 (W.D.N.Y. July 22, 2015)

Dykes v. Portfolio Recovery Associates, LLC, 111 F.Supp.3d 739 (E.D. Virginia 2015)

Eades v. Kennedy, PC Law Offices, 799 F.3d 161 (2d Cir. 2015)

Dykes v. Portfolio Recovery Associates, LLC, 306 F.R.D. 529 (E.D. Virginia 2015)

Hallmark v. Cohen & Slamowitz, LLP, 307 F.R.D. 102 (W.D.N.Y. 2015)

Sickler v. Colvin, 2015 WL 1600320 (S.D.N.Y. Apr. 9, 2015)

Annunziato v. Collecto, Inc., 304 F.R.D. 165 (E.D.N.Y. 2015)

Hallmark v. Cohen & Slamowitz, LLP, 304 F.R.D. 165 (W.D.N.Y. 2015)

Kalkstein v. Collecto, Inc., 304 F.R.D. 114, 2015 WL 59246 (E.D.N.Y. Jan. 2, 2015)

Clarke v. Hudson Valley Federal Credit Union, 2014 WL 6791184 (S.D.N.Y. Dec. 2, 2014)

DeJesus v. City of New York, 55 F.Supp.3d 520 (S.D.N.Y. Oct. 28, 2014)

Hallmark v. Cohen & Slamowitz, LLP, 302 F.R.D. 295 (W.D.N.Y. 2014)

Hallmark v. Cohen & Slamowitz, LLP, 2014 WL 2028426 (W.D.N.Y. Sept. 15, 2014)

Stinson v. Delta Management Associates, Inc., 302 F.R.D. 160 (S.D.Ohio 2014)

Hallmark v. Cohen & Slamowitz, LLP, 300 F.R.D. 110 (W.D.N.Y. 2014)

Annunziato v. Collecto, Inc., 2014 WL 1410255 (E.D.N.Y. April 12, 2014)

Torres v. Toback, Bernstein & Reiss LLP, 2014 WL 988480 (E.D.N.Y. Mar. 14, 2014) (report and recommendation), adopted in part, rejected in part, *Torres v. Toback, Bernstein & Reiss LLP*, 2014 WL 1330957 (E.D.N.Y. Mar. 31, 2014)

Kelen v. World Financial Network National Bank, 295 F.R.D. 87 (S.D.N.Y. 2013)

Hallmark v. Cohen & Slamowitz, LLP, 293 F.R.D. 410 (W.D.N.Y. 2013), reconsideration denied, 2014 WL 51322 (Jan. 8, 2014)

Godson v. Eltman, Eltman & Cooper, PC, 2013 WL 4832715 (W.D.N.Y. Sept. 11, 2013)

Castro v. Green Tree Servicing, LLC, 959 F.Supp.2d 698 (S.D.N.Y. 2013).

Annunziato v. Collecto, Inc., 293 F.R.D. 329 (E.D.N.Y. 2013)

Rubinstein v. Department Stores Nat. Bank, 955 F.Supp.2d 260 (S.D.N.Y. 2013)

Taub v. Department Stores Nat. Bank, 950 F.Supp.2d 698 (S.D.N.Y. 2013)

Lee v. Forster & Garbus LLP, 926 F.Supp.2d 482 (E.D.N.Y. 2013)

Linsley v. FMS Investment Corp., 288 F.R.D. 11 (D.Conn. 2013)

Easterling v. Collecto, Inc., 692 F.3d 229 (2d Cir. 2012)

Dashiell v. Van Ru Credit Corp., 283 F.R.D. 319 (E.D.Virginia 2012)

Phillips v. City of New York, 871 F.Supp.2d 200 (E.D.N.Y. 2012)

Castro v. Green Tree Servicing LLC, 2012 WL 2428190 (S.D.N.Y. June 22, 2012)

Hallmark v. Cohen & Slamowitz, LLP, 283 F.R.D. 136 (W.D.N.Y. 2012)

Torres v. Toback, Bernstein & Reiss LLP, 278 F.R.D. 321 (E.D.N.Y. 2012)

Ellis v. General Revenue Corp., 274 F.R.D. 53 (D. Conn. 2011), motion to certify appeal denied, 2011 WL 2669155 (D. Conn. July 6, 2011), and leave to appeal denied, 2011 WL 3490271 (2d Cir. Aug. 9 2011)

Hess v. Cohen & Slamowitz LLP, 637 F.3d 117 (2d Cir. 2011)

Rubinstein v. Department Stores National Bank, 2011 WL 147721 (S.D.N.Y. Jan. 11, 2011)

Cunningham v. Electronic Data Systems Corp., 754 F. Supp. 2d 638 (S.D.N.Y. 2010)

Follman v. World Financial Network National Bank, 721 F. Supp. 2d 158 (E.D.N.Y. 2010)

Taub v. Big M, Inc., 719 F. Supp. 2d 325 (S.D.N.Y. 2010)

Lemire v. Wolpoff & Abramson, LLP, 2010 WL 1444581 (D. Conn. April 9, 2010)

Tobey v. National Action Financial Services, Inc., 2009 WL 3734320 (E.D.N.Y. Nov. 4, 2009)

Miller v. Upton, Cohen & Slamowitz, 579 F. Supp. 2d 189 (E.D.N.Y. Oct. 5, 2009)

Lemire v. Wolpoff & Abramson, LLP, 256 F.R.D. 321 (D. Conn. 2009)

Larsen v. JBC Legal Group, P.C., 588 F. Supp. 2d 360 (E.D.N.Y. 2008)

Larsen v. JBC Legal Group, P.C., 533 F. Supp. 2d 290 (E.D.N.Y. 2008)

Santoro v. Aargon Agency, Inc., 252 F.R.D. 675 (D. Nev. 2008)

Francis v. A&E Stores, Inc., 2008 WL 46129858 (S.D.N.Y. Oct. 16, 2008) (adopting report and recommendation, as modified), and 2008 WL 2588851 (S.D.N.Y. June 26, 2008) (report and recommendation)

Bowens v. Atlantic Maintenance Corp., 2008 WL 704319 (E.D.N.Y. March 14, 2008)

Simon v. Williams & Fudge, Inc., 2008 WL 268294 (S.D.N.Y. Jan. 28, 2008)

Ingram v. Coach USA, Inc., 2008 WL 281224 (D.N.J. Jan. 28, 2008)

Henry v. Westchester Foreign Autos, Inc., 522 F. Supp. 2d 610 (S.D.N.Y. 2007)

Meselson v. Lerman, 485 F. Supp. 2d 215 (E.D.N.Y. 2007)

Ayzelman v. Statewide Credit Services Corp., 242 F.R.D. 23 (E.D.N.Y. 2007)

Ayzelman v. Statewide Credit Services Corp., 2006 WL 3388651 (E.D.N.Y. Nov. 21, 2006)

Bourlas v. Davis Law Associates, 237 F.R.D. 345 (E.D.N.Y. 2006)

Trevino v. ACB American, Inc., 2006 WL 391797 (N.D. Cal. Feb. 17, 2006)

Trevino v. ACB American, Inc., 232 F.R.D. 612 (N.D. Cal. 2006)

Lawrence v. Borah, Goldstein, Altschuler, Schwartz & Nahins, P.C., 2005 WL 2875383 (S.D.N.Y. Nov. 1, 2005)

Naposki v. First Nat. Bank of Atlanta, 18 A.D.3d 834, 797 N.Y.S.2d 99 (2d Dept. 2005)

Burns v. First American Bank, 2005 WL 1126904 (N.D. Ill. April 28, 2005)

Weniger v. Arrow Financial Services, LLC, 2004 WL 2980646 (N.D. Ill. Dec. 21, 2004)

Weniger v. Arrow Financial Services, LLC, 2004 WL 2609192 (N.D. Ill. Nov. 17, 2004)

Jacobs v. ABN-Amro Bank N.V., 2004 WL 869557 (E.D.N.Y. April 21, 2004)

Bracken v. Harris & Zide, L.L.P., 219 F.R.D. 481 (N.D. Cal. 2004)

McDowall v. Leschack & Grodensky, P.C., 279 F. Supp. 2d 197 (S.D.N.Y. 2003)

McDowall v. Cogan, 216 F.R.D. 46 (E.D.N.Y. 2003)

Miller v. Wolpoff & Abramson, LLP, 471 F. Supp. 2d 243 (E.D.N.Y. 2007)

Miller v. Wolpoff & Abramson, LLP, 321 F.3d 292 (2d Cir. 2003)

Trang v. HSBC Mortgage Corp., NYLJ, April 17, 2002, p. 28, col. 3

Mailloux v. Arrow Financial Services, LLC, 204 F.R.D. 38 (E.D.N.Y. 2001)

Mailloux v. Arrow Financial Services, LLC, 2002 WL 246771 (E.D.N.Y. Feb. 21, 2002)

13. In addition, I served on the National Association of Consumer Advocates Class Action Guidelines Revision Committee. The Committee revised the 1997 NACA Guidelines for Litigating and Settling Consumer Class Actions, 176 F.R.D. 375 (1998). The revised Guidelines, Nat'l Ass'n of Consumer Advocates, *Standards and Guidelines for Litigating and Settling Consumer Class Actions* (rev. 2006), were adopted and published at 255 F.R.D. 215 (2d ed. 2006). (The Guidelines have recently been revised a third time, but I was not involved in that revision.)

14. From 2007-2009 and from 2012-2014, I served on the Consumer Affairs Committee of the Association of the Bar of the City of New York.

15. From 2009-2012, I served on the Civil Courts Committee of the Association of the Bar of the City of New York.

16. I have spoken to the public about consumer-protection issues and lobbied Congress concerning consumer-protection issues and spoken at a press conference in support of a bill introduced in Congress to provide consumers with more information and give them greater protection when they use credit cards.

17. I have testified concerning debt-collection abuse before the New York City Department of Consumer Affairs and the New York State General Assembly Committee on Consumer Affairs and Protection.

18. I lectured at National Consumer Law Center and National Association of Consumer Advocates conferences in November 2006, March 2007, September 2007, November 2007, March 2008, May 2008, February 2009, March 2010, November 2010, March 2011, November 2011, February 2012, March 2014, March 2015, March 2016, March 2017, April 2017, March 2018, March 2019, November 2022, and October 2023.

19. In 2020, I spoke virtually at two conferences.

20. I have also spoken on consumer-law issues at the Association of the Bar of the City of New York, the New York County Lawyers Association, the Suffolk County Bar Association, the Association of Small Claims Court Arbitrators, New York Law School, and Saint John's University School of Law.

21. In December 2009, I participated in a Federal Trade Commission Debt Collection Roundtable.

22. In February 2010, MFY Legal Services, Inc. (since renamed "Mobilization for Justice") honored me for my work on consumer rights with a Partner in Justice Award, "in recognition of exemplary pro bono service and commitment to ensuring equal access to justice for all."

23. In April 2012, I was invited to speak about "Class Action Developments and Settlements" at the premier class-action-defense-bar conference:

Practising Law Institute's "17th Annual Consumer Financial Services Institute in NYC."

24. In July 2013, I was invited to speak again on a Practising Law Institute panel for a program entitled "Representing the Pro Bono Client: Consumer Law Basics 2013.

25. In November 2016, I was invited to speak on a panel of attorneys at New York Law School about the Consumer Financial Protection Bureau's anticipated rules prohibiting the class-action waivers in arbitration clauses in consumer contracts and requiring the reporting of detailed records concerning the results of consumer-arbitration proceedings. (Shortly thereafter, the rules were promulgated by the CFPB, but they were overturned by Congress under the Congressional Review Act.)

26. My own current billing rate is \$685 an hour.

27. Federal judges have by-and-large approved me at a rate of \$550-600):

- a. \$550/hour – *Strubel v. Talbots Classics National Bank*, S.D.N.Y., Case No. 13-CV-1106 (PAE) (TILA case in Manhattan; no written decision, but the rate and the resulting order are discussed at length on the record by Judge Engelmayer)
- b. \$550/hour – *Biber v. Pioneer Credit Recovery, Inc.*, E.D. Vir. Case No. 16-CV-804 (FDCPA case in Virginia; the court's written decision granting final approval, *Biber v. Pioneer Credit Recovery, Inc.*, 2018 WL 1633603 (E.D.Vir. Jan. 31, 2018), reflects only the

total fees and costs awarded, but the rate and multiplier are reflected in the motion papers seeking final approval of the class settlement – these papers can be found on PACER)

- c. \$600/hour – *Zevon v. Department Stores National Bank*, S.D.N.Y., Case No. 12-CV-7799 (PAC) (TILA case in Manhattan; no written decision, but the rate and the resulting order were approved by the Court and the award is reflected on PACER)
- d. \$550/hour – *Heironimus v. Cavalry Portfolio Services, LLC*, S.D. Texas, Case No. 17-CV-121 (FDCPA case in Texas; no written decision, but the rate and the resulting order are reflected on PACER)

28. Because of my experience litigating in federal court and my active participation in the consumer-advocacy community in New York City, I am familiar with the billing rates and practices of attorneys handling complex federal cases in the Southern District of New York.

29. I have known Ms. Miller since 2013, when I hired her for an associate attorney position at my law practice. She worked for me until 2017, when she left to open her own solo practice based in North Carolina

30. Ms. Miller contributed in some way in nearly all of my office's pending cases from 2013 to 2017. While we collaborated, she regularly contributed much of the writing to briefs my office filed. One example is the case of *Strubel v. Comenity Bank*, 842 F.3d 181 (2d Cir. 2016), an important case on Article III standing that

has been cited nearly 300 times, and in which Ms. Miller substantially contributed to the briefing.

31. Ms. Miller and I have served as class counsel together in three consumer protection actions: *Godson v. Eltman, Eltman, & Cooper P.C.* (W.D.N.Y. 11-CV-764); *Hallmark v. Cohen & Slamowitz LLP* (W.D.N.Y. 11-CV-842); and *Moukengeschaie v. Eltman, Eltman & Cooper, P.C.* (E.D.N.Y. 14-CV-7539). Ms. Miller began working on each of these three cases while still employed by my office, and in each one she agreed to continue co-counseling after she left to start her own practice.

32. I also co-counseled other cases with Ms. Miller after she left my office.

33. Based on my interactions with Ms. Miller over the course of 11 years, I know her to be a highly skilled, seasoned, and successful attorney.

34. Based on my education, training, and experience, it is my opinion that a reasonable hourly rate for Ms. Miller's time in this case is \$375. These fees are customary in the Southern District of New York for an attorney with her level of experience, reputation, and ability, considering the nature of the controversy, the time limitations imposed, and the results obtained in this case.

35. As an active member of the consumer protection bar with knowledge of the range of results in these types of cases, I can say that obtaining a consent judgment of \$120,000 plus attorney's fees in an FCRA impermissible credit pull case is an excellent outcome.

Under 28 U.S.C. § 1746, I, Brian L. Bromberg, do hereby certify under penalties of perjury, that the above statements are true and correct to the extent they reflect my personal knowledge and otherwise are based upon my information and belief.

Dated: Brooklyn, New York
December 20, 2024

/s/ *Brian L. Bromberg*
Brian L. Bromberg